

CITY OF MINNEAPOLIS
LICENSES AND CONSUMER SERVICES
350 SOUTH 5TH STREET, ROOM 1-C, CITY HALL
MINNEAPOLIS, MN 55415

**FINDINGS OF FACT
CONCLUSIONS, AND
RECOMMENDATIONS**

In the Matter of License No. L247 50008 FRENCH MEADOW BAKERY AND CAFE
for WINE E W/STRONG BEER

Held by:

**LOWRY HILLS CAFES INC
ATTN: STEVEN SHAPIRO
2610 LYNDAL AVE S
MINNEAPOLIS, MN 55408**

10-0788282

Findings of Fact

1. The Minneapolis Police Department License Investigative Division conducts youth alcohol compliance checks in an effort to assure retail-alcohol license holders are not serving alcohol to persons under the age of 21.
2. On July 29, 2009 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance check at French Meadow. A 20 year old female and an 18 year old male were sent into the business in an attempt to purchase alcohol. The shoppers stood in line at the ordering counter. The server, who was taking orders at the counter, asked them for their orders. The female shopper asked for a bottle of Stella Artois Beer. The male shopper did not place an order. The server checked the ID of the female shopper. After checking the ID, the server provided the female shopper with a bottle of Stella Artois Beer. Two plain clothes Minneapolis Police Officers were situated approximately 10 feet away from the shoppers and observed the above transaction. The female shopper paid for the beer, picked it up, and handed it off to the officers. The transaction was completed, and the business was considered to have failed the compliance check. As a result of the compliance check failure, an administrative citation was issued to French Meadow in the amount of \$500.00 as detailed in a City Council Resolution. French Meadow has paid the \$500.00 administrative fine.
3. On September 1, 2009 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance re-check at French Meadow pursuant to the above compliance check failure. 2 underage shoppers were sent into French Meadow in an attempt to purchase alcohol. The underage shoppers were carded and refused service. The business passed the compliance re-check.

4. On June 29, 2010 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance check at French Meadow for the calendar year of 2010. A 19 year old female and a 19 year old male were sent into the business in an attempt to purchase alcohol. The shoppers stood in line at the ordering counter. The server, who was taking orders at the counter, asked the female shopper for her order. The female shopper ordered a bottle of Hennepin beer. The server asked the female shopper for her ID. After checking the ID, the server provided the female shopper with a bottle of Hennepin Beer. (It should be noted that the male shopper was carded and refused service by a different server at the adjacent register.) 2 plain clothes Minneapolis Police Officers were situated approximately 10 feet away from the shoppers and observed the transaction. The female shopper paid for the beer, picked it up, and handed it off to the officers. The transaction was completed, and the business was considered to have failed the compliance check. This constituted French Meadow's second youth alcohol compliance check failure within a 24 month period. As a result of the second compliance check failure, an administrative citation was issued to French Meadow in the amount of \$1000.00 as detailed in a City Council Resolution. French Meadow has paid the \$1000.00 administrative fine.
5. From the first sale on July 29, 2009, the server was charged with Furnishing Alcohol to a Person Under 21, and the server has been convicted of said charge. Criminal charges against the server are pending as a result of the June 29, 2010 failure.

Conclusions

1. On two separate occasions, employees of French Meadow sold alcohol to persons under the age of 21, in violation of Minneapolis City Ordinance 370.10, Minnesota Statute 340A.503 subd. 2(1), and the established compliance check policy and procedures of the City of Minneapolis. These compliance failures all occurred in a period of less than 24 months.
2. The licensee has paid the \$500.00 administrative fine related to the first above stated compliance check failure. The licensee has also paid the \$1000.00 administrative fine related to the second above stated compliance check failure.

RECOMMENDATIONS

Based on the evidence presented at the hearing, the Department makes the following recommendations:

1. That French Meadow upon signing this document shall provide the Department of License and Consumer Services a written policy regarding the elimination of alcohol service to minors in their establishment, and that the policy be approved by the Department of Licenses and Consumer Services, and that French Meadow implement and maintain this policy.

2. That French Meadow perform at least one (1) self check for youth alcohol compliance per month for 2 years, and that they document these self checks and provide the documentation to Licensing.
3. That French Meadow remind servers at each regular staff meeting, and at the beginning of every shift, of the importance of checking identification for youth alcohol compliance.
4. That French Meadow display signs at their cash registers and on their menu which inform customers of their policy toward checking identification.
5. That French Meadow have a trained manager on the premises at all times.
6. French Meadow will hold two yearly alcohol awareness trainings at which all employees responsible for beverage alcohol service will attend.
7. French Meadow will mandate servers to perform either an on-line training or other training for beverage alcohol service before beginning work on the floor.
8. French Meadow will offer financial incentives to employees for passing a compliance check, self- or city-regulated. Any employee that fails a compliance check (or self compliance) will be terminated.
9. French Meadow will make all staff responsible for carding any customer that looks under the age of 50, and allow only one Drink per ID!
10. During day service, alcoholic drinks will only be served to patrons directly at the counter, by the employee who carded them.
11. That the City of Minneapolis Licensing Division impose a sanction of \$3000, of which \$2000 will be stayed for a period of 2 years upon condition that there be no similar or same violations, and that this sanction be paid upon time of signing of this document.
12. Date of Agreement shall be defined as the date that the licensee signs or otherwise executes this Agreement. This Agreement is subject to approval by the Minneapolis City Council; however should such approval be obtained after the execution of this Agreement the approval shall be retroactive to the date of execution.

The French Meadow Bakery and Café understands that the holding of a business or liquor license in the City of Minneapolis is both a privilege and a responsibility, and, as such, it is understood that there is a minimum standard that shall be met in order to hold such a license. Furthermore, it is understood that a license holder is responsible to ensure that its business operates in compliance with all applicable laws, ordinances and regulations. As such, it is understood and agreed that any violation of the above Recommendations shall constitute just and proper cause for the immediate imposition of any agreed upon or stayed penalties. It is further understood that compliance with the above Recommendations is a requirement for continuing to

hold a license and that failure to comply with any of these conditions may result in additional adverse license action.

I have read and understand the above findings of fact, conclusions, and recommendations. I agree with their contents and I agree with the above noted Recommendations. I understand that the failure of my business to adhere to this agreement may be cause for further suspension, revocation, or denial of my license. I understand that this report must be accepted and approved by the Minneapolis City Council and Mayor.

Based upon the foregoing, this agreement is FREELY & VOLUNTARILY ENTERED INTO IN GOOD FAITH:

Business

FRENCH MEADOW BARN & CAFE

By: [Signature]
(signature)

Its: Vice-President
(title)

Dated: Sept-22, 2010

For the City of Minneapolis:

RXC by [Signature]
Ricardo Cervantes
Deputy Director of Licenses

Dated: 9-30, 2010